

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TONIA HARDYWAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 3:22-cv-00037
	)	JUDGE RICHARDSON
DENIS MCDONOUGH, <i>Secretary</i>	)	MAGISTRATE JUDGE NEWBERN
<i>of the Department of Veterans Affairs,</i>	)	
	)	
Defendant.	)	

**DEFENDANT’S PARTIAL MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Defendant, Denis McDonough, Secretary of the Department of Veterans Affairs (“Defendant”), submits this Partial Motion to Dismiss Plaintiff’s Complaint.

Plaintiff Tonia Hardyway (“Plaintiff”) filed this action on January 19, 2022, alleging employment discrimination at the Department of Veterans Affairs. *See generally* ECF No. 1. Defendant now moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Count I of Plaintiff’s Complaint, disparate treatment, and portions of Counts II and III, retaliation and hostile work environment, respectively, for failure to state a claim upon which relief can be granted.

For the reasons discussed more fully in the supporting memorandum and declaration, Defendant respectfully requests that his Partial Motion to Dismiss be granted and that certain claims be dismissed from Plaintiff’s Complaint with prejudice. Further, Defendant respectfully requests that he have thirty days after the Court rules on this motion to file his Answer to the remaining claims in Plaintiff’s Complaint.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was sent by United States mail, postage prepaid, to the following:

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s/ Anica C. Jones  
ANICA C. JONES  
Assistant United States Attorney